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# USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT

**QUARTERLY REPORT: JULY – SEPTEMBER 2015**



October 21, 2015

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**CONTRACTOR: TETRA TECH DPK**

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The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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## LIST OF ACRONYMS

<b>AC</b>	Administrative Court
<b>ACCMIS</b>	Automated Court Case Management and Information System
<b>BC</b>	Basic Court
<b>CAA</b>	Court Administration Association
<b>COR</b>	Contracting Officer's Representative
<b>CSO</b>	Civil Society Organization
<b>DCM</b>	Differentiated Case Management
<b>ELSA</b>	European Law Students' Association
<b>IR</b>	Intermediate Result
<b>IT</b>	Information Technology
<b>JBF</b>	Judicial Branch Forum
<b>JC</b>	Judicial Council of the Republic of Macedonia
<b>JSP</b>	Judicial Strengthening Project
<b>LCP</b>	Law on Civil Procedure
<b>LPA</b>	Legal Professional Association
<b>MJA</b>	Macedonian Judges Association
<b>MYLA</b>	Macedonian Young Lawyers Association
<b>NTS</b>	National Time Standards
<b>ROLC</b>	Rule of Law Council
<b>SC</b>	Supreme Court of the Republic of Macedonia
<b>Tt DPK</b>	Tetra Tech DPK
<b>USAID</b>	United States Agency for International Development

# INTRODUCTION

The United States Agency for International Development (USAID)/Macedonia Judicial Strengthening Project (JSP) is an ambitious four-year endeavor that started in November 2011. The overarching objective of the project is to help the Macedonian judiciary to evolve as an independent, self-governing, effective, and accountable branch of government capable of meeting the needs of citizens, businesses, and organizations for prompt and impartial protection of their rights and adjudication of their legal disputes.

This quarterly report for July through September 2015 focuses on the progress and implementation of programmatic activities and tasks aimed at delivering the results required under the Tetra Tech DPK (Tt DPK) contract with USAID. A brief description of the objectives, areas of work, project activities, and expected results follow.

## 1. OBJECTIVES

The overarching objectives of the project are to strengthen the role of the judiciary in the separation of powers and to develop broad-based support for rule of law and judicial-sector reform. More specifically, the project focuses on supporting the development of professional associations in the justice sector, developing effective court governance systems and practices, and improving the efficiency and quality of justice.

## 2. AREAS OF WORK

The project's main components are outlined below.

### 2.1 Advocacy and Citizen Participation in Judicial Sector Reforms

The JSP supports the development of the capacities of professional associations in the justice sector to play a leadership role in efforts to reform the justice system and to advocate for the interest of their members, and increases public awareness and participation in justice-sector reforms and rule-of-law issues.

### 2.2 Independent, Efficient, and Consistent Application of Judicial-Sector Policies and Practices

The JSP develops effective court governance systems and practices, increases the role of the judiciary in preparing laws and policies governing the branch, establishes regular coordination and consensus-building on key issues among judicial institutions, promotes more effective and accountable operation of judicial-sector institutions and courts, improves court operations through innovation and technology, and designs and applies performance standards.

### 2.3 Effective Legal Personnel and Efficient Processes

The JSP improves efficiency and quality of justice by providing specialized trainings to judges, developing and applying national time standards for case processing, and building the capacities of court personnel to provide efficient services to court users.

## 3. PROJECT ACTIVITIES

The project provides technical and managerial experience to key counterparts in the judiciary, legal professional associations (LPAs), and civil society organizations (CSOs) active in the judicial sector.

The range of support includes a combination of targeted long-term technical assistance, advisory services, project initiatives, and other forms of assistance identified as necessary for each of the results prescribed. Key activities and tasks include the following:

- Identifying and supporting key civil society and professional associations in their efforts to promote civil society support for the rule of law and an independent judiciary

- Building capacity of designated LPAs
- Assisting designated LPAs and CSOs in supporting laws, policies, and practices that support judicial independence
- Identifying gaps and/or idiosyncrasies in policies and practices of judicial administration and management and support reform
- Building leadership and management capacities
- Supporting the development of needs-based budgets for the courts
- Supporting education for various sectors of the judicial sector, including president judges, court administrators, and court staff to enhance efficiency and timeliness

## **4. PROJECT RESULTS FRAMEWORK**

The USAID/Macedonia JSP employs a results-driven approach to its planning and programming.

### **4.1 JSP Results Areas**

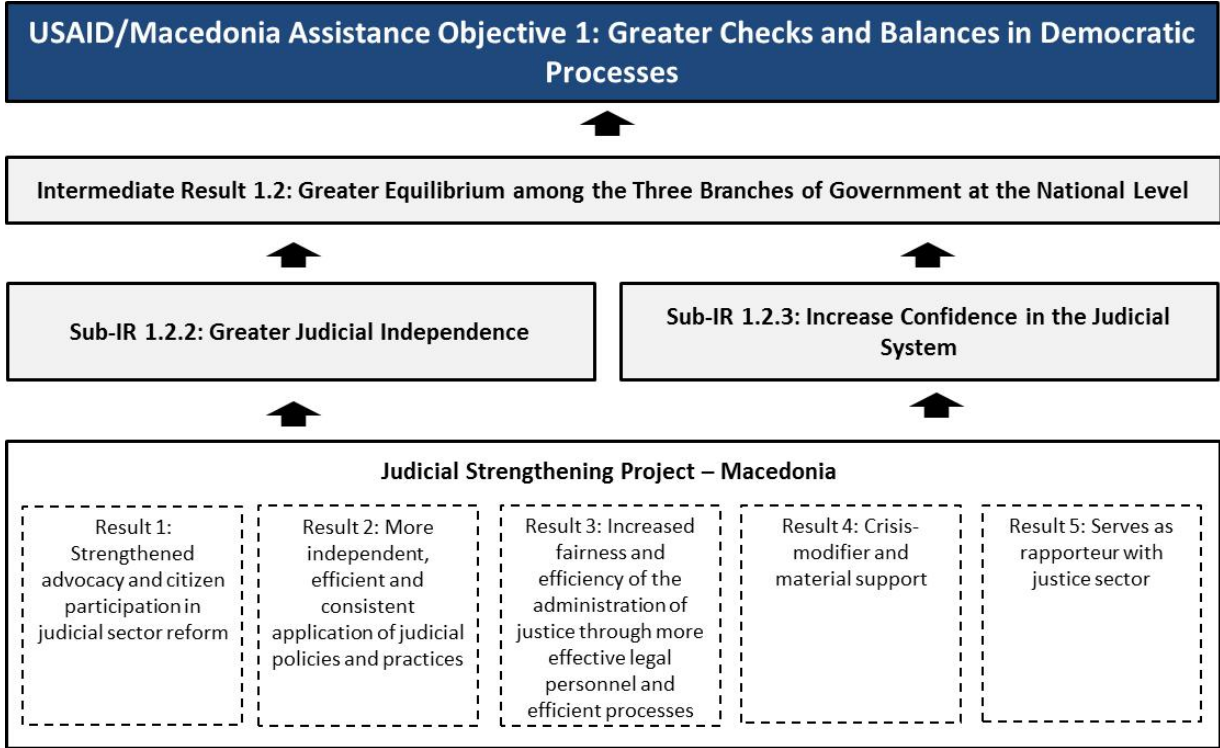
During Quarter III of Year IV, the project has continued to focus on the following five key results:

- Result 1: Strengthened advocacy and citizen participation in judicial sector reform
- Result 2: More independent, efficient, and consistent application of judicial policies and practices
- Result 3: Increased fairness and efficiency of the administration of justice through more effective legal personnel and efficient processes
- Result 4: Crisis-modifier and material support
- Result 5: Serving as *rapporteur* with justice sector

These five results areas contribute to the USAID Foreign Assistance Framework for Macedonia.

### **4.2 USAID Results Framework**

The JSP supports the USAID/Macedonia Assistance Objective 1: Greater Checks and Balances in Democratic Processes. Under this Assistance Objective, the project supports Intermediate Result (IR) 1.2: Greater Equilibrium among the Three Branches of Government at the National Level. Specifically, the JSP works toward Sub-IR 1.2.2: Greater Judicial Independence and Sub-IR 1.2.3: Increased Confidence in the Judicial System. The chart below illustrates the conceptual linkages between the JSP and the USAID/Macedonia Framework.





# PROGRAM-RELATED ACTIVITIES AND TASKS

## RESULT 1: STRENGTHENED ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM

### **1.1 Requirement 1.1: A Short, Focused Assessment, Baseline Survey, and Resulting Action Plan on Justice Sector LPAs and CSOs, and the Role They Can Play in Strengthening the Rule of Law in Macedonia**

The Judicial Strengthening Project fulfilled Requirement 1.1 during its first two years of implementation.

### **1.2 Requirement 1.2: Per the Findings of Requirement 1.1, the Capacity of at Least Two Judicial Sectors Professional Associations Are Improved**

Per the findings of Requirement 1.1, the JSP designed, delivered, and completed a training program to build the capacities of the Macedonia Judges Association (MJA), Court Administration Association (CAA), and other LPAs and CSOs. The sections below outline the follow-up activities and events carried out during this quarter that built on the implementation of the training program.

#### **1.2.1 Support the operation and promotion of the ROLC and constituent organizations**

##### ***Court Administration Association (CAA)***

##### **Workshop for developing strategy for expanding membership base**

On September 17-18, upon CAA request the JSP supported a workshop for developing CAA's strategy for expanding membership base. The workshop was attended by 19 CAA active members, and focused on identifying the reasons for the lack of interest and unresponsiveness of court employees who are not association members, and defining goals for increasing the services package for the membership. At the conclusion of the workshop, the participants developed an action plan for expanding the membership base, which includes specific steps for information sharing and regional and sector outreach to all potential members.

During the workshop, a smaller group of CAA members worked on developing a sub-regulation for conducting semi-annual interview of court employees. This sub-regulation will fill the gap left by a lack of more detailed guidelines and instructions regarding the evaluation processes, which have not been standardized throughout the 34 courts in Macedonia. The semi-annual interview is part of the overall evaluation process of court employees and should serve to follow the implementation of the proposed measures for improving the performance results.

##### ***Macedonian Young Lawyers Association (MYLA)***

##### **Development of a new Strategic Plan**

On September 25-27, the JSP supported a three-day workshop for development of MYLA's 2016–2018 Strategic Plan. Twenty association members attended the workshop. The development of the Strategic Plan was facilitated by a local consulting company. This Strategic Plan will be a solid base for seeking a grant for planned activities after JSP closure. It encompasses new projects, for which MYLA will seek funds from the Norwegian Embassy and the IPA<sup>1</sup> II for 2014-2020.

#### **1.2.2 Broad-Based Rule of Law Coalition of LPAs**

##### ***Support development of new three-year Strategic Plan 2016-2018 for ROLC***

During the reporting period, the consultants from Trajkovski and Partners Consulting (T&P) continued activities in the finalization of the ROLC Strategic Plan for 2016 – 2018, which began in

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<sup>1</sup> The Instrument for Pre-accession Assistance (IPA) is the means by which the EU supports reforms in the 'enlargement countries' with financial and technical help.



June 2015. The consultants facilitated three in-house meetings with representatives from each ROLC member-organization, on July 2, August 21 and August 24.

The purpose of the meetings was to conduct an in-depth elaboration of projects and activities that were brainstormed during the general strategic planning workshop held on June 24-25, and defining the budget framework and the resources needed for implementation of the projects. During the last two in-house sessions, the group addressed the comments to the draft Strategic Plan, which were submitted in late July by the ROLC members, and elaborated on ideas for new activities that emerged from the Study Tour to the United States, organized with JSP support in July 2015. The Strategic Plan was finalized and submitted to the JSP on September 1, for delivery to the beneficiaries.

### ***Public discussion on ROL perceptions in MK***

On September 28, the ROLC implemented, with the JSP support, the second public roundtable on *Implementation of the new Law on Criminal Procedure - Perspectives, Challenges and (dis)Advantages*. Four prominent legal professional panelists from the Bitola and Gostivar appellate regions, addressed the participants and provided an overview of the 22-month implementation of the law: Ms. Anita Miloshevska, Judge at Basic Court Bitola; Mr. Lazar Nanev, Judge at Basic Court Kavadarci; Mr. Ajrula Idrizi, Judge at Basic Court Tetovo; Ms. Meri Trombeva, High Public Prosecutor at High Public Prosecutor's Office Bitola; and Mr. Emil Parishko, Attorney at Law. Seventeen participants attended the roundtable, including members of civil society organizations active in criminal justice, representatives of the judiciary, and ROLC members.

## **RESULT 2: MORE INDEPENDENT, EFFICIENT AND CONSISTENT APPLICATION OF JUDICIAL POLICIES AND PRACTICES**

### **2.1 Requirement 2.1: Legal Framework and Judicial Branch Policies Strengthen Independence, Effectiveness, and Accountability of the Judicial System**

#### **2.1.1 Support Periodic Meetings of the Judicial Branch Forum (JBF)**

The tenth JBF meeting was planned for September 24-25, but due to observance of religious holiday by several members, it was postponed for October. Exact dates will be determined in consultation with the JC, which recently assumed the organization of JBF meetings, in an effort toward long-term sustainability of this forum.

During this quarter, the JSP followed-up conclusions reached at the ninth JBF meeting, held on June 22-23 in Ohrid, and prepared the working meeting for harmonization of judicial practice on appellate court level. This meeting will be organized in early October under the auspices of the Appellate Court Bitola, for civil and criminal judges of the four appellate courts, the SC, and members of the JC.

### **2.2 Requirement 2.2: Administration and Management Rules, Policies and Procedures, Systems and Practices to Support a Modern Court System**

#### **2.2.1 Support establishment of Analytical Offices to perform applied research and analysis**

To facilitate the launch and proper functioning of the analytical office at the Basic Court (BC) Skopje I, the JSP conducted the second working meeting for five employees of this court on July 2. Participants finalized the tasks of the analytical office and the staff job descriptions based on the revisions to the first draft produced at the first working meeting held in June 2015.

In addition, the participants asked for the JSP's support for a short study visit to a similar office within the region in order to establish cooperation and exchange of information. After careful consideration of the request, the JSP has committed to organize a two-day study visit to the Supreme Court of

Slovenia, and initiated contact with the Analytical Department of this court. Preparations for this study visit, scheduled for October 13-14, are ongoing.

## **2.2.2 Provide support for implementation of two key elements of the strategic plan of the judiciary**

### ***ABMS<sup>2</sup> upgrade to calculate cost per case***

During the reporting period, the local vendor ULTRA<sup>3</sup> finalized the development of the module for cost calculation of court cases by type and the module for calculation of planned cost per case. On August 24, the JSP supported a presentation of the new software to verify the functionalities of the software and the precision of generated results. The presentation was attended by representatives of the Administrative Office (AO) of the Court Budget Council (CBC), Court Administrator from BC Veles, BASME<sup>4</sup> representative, and JSP staff. The attendees noted that two reports were not included in the initial specifications for this upgrade, and therefore requested creation of a panel for calculating current and expected workload of civil and criminal cases per court (historical and expected). In September, the JSP amended the corresponding subcontracts with ULTRA and BASME to complete the additional work, and the final modifications of the software were completed in late September.

In addition, to enable seamless usage of the new modules, on September 21 and 22 the JSP supported training of the court accountants and court administrators of all basic and appellate courts. The training on September 21 was organized for the courts of Skopje and Shtip appellate regions (38 participants), and the training on September 22 was organized for the courts of Bitola and Gostivar appellate regions (26 participants). Both trainings were held by ULTRA IT staff, and wrapped up the implementation of the subcontract for upgrading ABMS to enable automatic calculation of cost-per-case.

## **2.2.3 Training for courts' public relations officers**

During this quarter, the JSP followed up on the JC's recent request for capacity building support of the courts' public relations officers. In order to enable sharing of international experiences from judiciaries that have a well-established tradition of openness to the public, the JSP engaged Ms. Stephanie Gruner Buckley, who has extensive experience of over 20 years as a journalist and senior communications expert.

Ms. Gruner Buckley delivered a comprehensive 3-day public relations training on September 10, 11 and 14. Twelve participants, professional spokespersons and judges assigned to communicate with the public from the largest courts in the Republic of Macedonia, participated in the training program. The agenda included effective communication with journalists, press conferences, TV appearances, and ways to conduct interviews.

## **2.2.4 Support development of software for interoperability between the ACCMIS and the Automated Management and Information System of JC (JCMIS)**

During the reporting period, the local company Edusoft was contracted and began to develop a new module that will allow the JC to more effectively evaluate the work of judges and president judges through the generation of relevant reports. This functionality will enable JC members to track various

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<sup>2</sup> Automated Budget Management System of the courts.

<sup>3</sup> ULTRA created the ABMS during the previous USAID Macedonia Court Modernization Project (MCMP) in 2006, providing for standardization of the processes and procedures for budget planning, spending and control of its financial operation. ULTRA also implemented additional upgrades of two ABMS modules in 2014.

<sup>4</sup> BASME implemented series of trainings for the courts on financial management, human resources management, projecting case workload, and calculating cost per case in April-May 2014, with support from the JSP.

events of relevance for the evaluation process. This activity is scheduled for completion by October 16, 2015. This activity was initiated at the request of the JC.

### **RESULT 3: INCREASED FAIRNESS AND EFFICIENCY OF THE ADMINISTRATION OF JUSTICE THROUGH MORE EFFECTIVE LEGAL PERSONNEL AND EFFICIENT PROCESSES**

#### **3.1 Requirement 3.1: Develop and Implement Targeted Specialized Trainings for Judges, Court Administrative Executives, and Court Staff**

##### **3.1.1 Study Tour for ROLC members and other civil activists**

From July 5-16, the JSP implemented a study tour to the United States (US) for young civil activists engaged in the areas of rule of law and human rights. The study tour took place in two jurisdictions: the District of Columbia and Massachusetts. Eight civil activists, six of whom are part of the ROLC, had the opportunity to observe and learn how US non-profits operate, advocate for their goals, and interact with government institutions and the media.

A number of relevant rule of law non-profits shared their experiences and practices with the study tour participants. Among others, the group received extensive briefings from Judicial Watch, the Council for Court Excellence, the International Research and Exchange Board (IREX), the American Bar Association, the American Civil Liberties Union, and the Boston Bar Association. The group also visited District of Columbia courts and the Supreme Court of Massachusetts, and was briefed on the different spheres of work of the courts and the organization and operation of the US judiciary in general.

The participants prepared two action plans and laydown specific activities that would try to implement upon return in the country. In the following months, the participants will seek funds to implement the best US practices in the Macedonian civil society, in the sphere of judiciary, access to justice, human rights and civil activism.

On September 14, the JSP organized a roundtable for presentation and discussion of the experiences and lessons learned from the study tour. Representatives of various CSOs active in the areas of rule of law and human rights protection attended the roundtable. The study tour participants presented how non-profits in the US play a leadership role in justice system reform efforts, with an emphasis on advocacy for young civil activists, correlation with media, and citizens' participation. Moreover, the presentation provided an overview of the highlights of the work from the eleven organizations visited.

#### **3.2: Requirement 3.2: Improve Caseload Processing and Reduce Backlog of Cases**

##### **3.2.1 Finalize Strategies for Differentiated Case Management (DCM) and Determine National Time Standards (NTS) for Different Case Types**

During September, JSP organized a follow up consultancy of US expert, Mr. Ron Stout, aimed at finalizing DCM and NTS efforts, to enable launching of the implementation at the selected pilot courts, Basic Court (BC) Skopje 2 and BC Veles. A total of 24 judges from the pilot courts participated in the workshop on September 18-19, in Dojran. In addition to DCM group members, the entire civil department of the BC Veles and the commercial department of the BC Skopje 2 attended the workshop.

The DCM manual, prepared by Dr. Stout was presented during the workshop and was followed by extensive discussion to finalize all outstanding issues in the manual. The ACCMIS modifications that pertain to DCM and NTS were endorsed by the judges, who considered it an important addition to facilitate the case management under the new system. Upon finalization of the manual it will be

printed and distributed to all judges in the pilot courts. The implementation of DCM and NTS in the BC Skopje 2 and BC Veles is planned for October.

## EVENTS AND ACTIVITIES

The project is aware of how important it is to accurately report and document events. This quarterly report includes a matrix summarizing each event, training, forum, seminar, roundtable, etc., along with pertinent descriptive information.

### Year IV: July – September 2015

No.	Event	Date	Counterpart	Number of Participants	Gender		Result Requirement	Evaluation of Training Events (1 – 5)
					M	F		
1.	First In-house Meeting with the ROLC (Development of Strategic Plan)	July 2, 2015	ROLC,	9	2	7	1.2	N/A
2.	Study Tour to the US	July 5 – 16, 2015	ROLC, Helsinki Committee for Human Rights, Coalition for Sexual and Health Rights of the Marginalized Groups	9	2	7	3.1	N/A
3.	Second In-house Meeting with the ROLC (Development of Strategic Plan)	August 21, 2015	ROLC	9	2	7	1.2	N/A
4.	Third In-house Meeting with the ROLC (Development of Strategic Plan)	August 24, 2015	ROLC	4	2	2	1.2	N/A
5.	Public Relations Training	September 10, 11 and 14, 2015	Courts	12	3	9	2.2	4.94
6.	Study Tour Impressions Presentation	September 14, 2015	ROLC, Helsinki Committee for Human Rights, Coalition for Sexual and Health Rights of the Marginalized Groups	16	4	12	3.1	N/A

7.	Workshop for Increasing CAA's Membership Base	September 17 – 18, 2015	CAA	19	8	11	1.2	4.25
8.	Workshop on DCM/NTS with Ronald Stout	September 18 – 19, 2015	DCM Pilot Courts Skopje 2 and Veles	24	6	18	3.2	N/A
9.	Training on the New ABMS Module	September 21, 2015	Court Budget Council	38	12	26	2.2	N/A
10.	Training on the New ABMS Module	September 22, 2015	Court Budget Council	26	12	14	2.2	N/A
11.	MYLA Strategic Planning Workshop	September 25 – 27, 2015	MYLA	20	8	12	1.2	N/A
12.	ROLC Roundtable Discussion on the Implementation of the Law on Criminal Procedure	September 28, 2015	ROLC	17	7	10	1.2	N/A
<b>Total</b>				<b>203</b>	<b>68</b>	<b>135</b>		